IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8320 of 2004

Dr.(Mrs) Varsha M.Vaidya ..Petitioner

vs.

The Secretary,
Bharati Vidyapeeth & others ..Respondents

Shri R.P.Behere for petitioner
Shri D.A.Dubey for respondent no.2.
Smt.K.R.Puri for respondent no.3.
Shri P.I.Khemani, A.G.P. for respondent no.4.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
13th December,2004

P.C.

1. Heard Advocates.

2. The petitioner is M.B.B.S. and D.P.H. (Diploma in Public Health). She joined respondent no.1 as a Asstt.lecturer in December, 1990 and thereafter in 1996 she was promoted as a Lecturer. The petitioner appeared for examination conducted by the Diplomate of the National Board for Practice of Social and Preventive Medicines and was award D.N.B. in First Class. The petitioner claims that she has completed 13 years of teaching experience including 6 years as Tutor/Asstt.Lecturer and 7 years as Lecturer. According to petitioner her

claim for promotion to the post of Associate Professor was not being considered by management of respondent no.1 mainly on the ground that D.N.B. is not at par with the Post Graduate medical qualifications of the Indian Universities.

3. In pursuance of the notice issued by this Court Mrs.Puri appeared for Medical Council of India. Mrs.Puri submits that for consideration of the eligibility of a candidate holding qualification of DNB it has been provided in Schedule II of the Minimum Qualifications for Teachers in Medical institutions Regulations, 1998 of MCI as under:

> "The following qualifications be treated at part with M.D./M/S. awarded by Indian Universities.
>
> 1 to 13
>
> 14. M.A.M.S./M.N.A.M.S.D/D.N.B. qualifications when granted on or after 1st June, 1976 granted by National Board of Examinations, New Delhi after due examination and fulfilling one year research experience....."

4. Mrs.Puri further submits that in the discipline of Preventive and Social Medicine, the Regulations of 1998 provids as under:

	Academic	teaching/Research Experience
(A)Professor	M.D.(Social) & Preventive Medicine) M.D. (Community Med)	(i) As Reader/Associate Professor in Community Medicine/ Social and Preventive Medicine for four years in a recognised Medical college. Desirable. (ii) Minimum of four Research publications indexed in index Medicus/National journal and one research publication in international journal.
(B) Reader Associate Professor	Do	(i) As Assistant Professor/Lecturer in Community Medicine/Social & Preventing Medicine for five years in a recognised medical college Desirable (ii) Minimum of four Research Publication indexed in Index Medicus/ national journals
(C)Assistant	do	(i) Requisite recognised post-graduate qualifica-

		tion in the subject (ii) Three years teaching experience in the subject in a recognised medical college as Resident/Registrar/ Demonstrator/Tutor (C) Astt.Professor/ Lecturer.
(D) Lecturer	M.Sc.(Statistics)	(i) Requisite recognised post-graduate qualification in the subject (ii) Three years teaching experience in the subject in a recognised medical college as Resident/Registrar/ Demonstrator/Tutor.
(E) Tutor Demonstrator/ Resident/Registrar Epidemologist/ Health officer	M.B.B.S.	

5. Mrs.Puri states that the acaddemic qualification required to be possessed by a candidate is a recognised post graduation qualification and the candidates possessing DNB and one year research experience and also fulfilling the requirement of 3 years teaching experience do become eligible for consideration for appointment to the post of Asstt.Professor/Lecturer in the discipline of Preventive and Social Medicine. In the light of the submissions made by Mrs.Puri we

hold that the petitioner who is possessing DNB and one year research experience and 3 years teaching experience is eligible for the post of Associate Professor.

6. The Petition is disposed of accordingly.